



IFW

Docket No.: 2224-0259PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hisayoshi ITO

Application No.: 10/580,605

Confirmation No.: 4963

Filed: May 25, 2006

Art Unit: N/A

For: COMPOSITION HAVING DISPERSE
SYSTEM, AND PROCESS FOR PRODUCING
COLORED ORGANIC SOLID PARTICLE

Examiner: Not Yet Assigned

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is a copy of the International Preliminary Report on Patentability and Notification. Please make this of record in the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: SEP 07 2006

Respectfully submitted,

By 
Marc S. Weiner, Registration No.: 32,181
Garth M. Dahlen, Ph.D., Registration No. 43,575
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachments: Documents cited in Search Report (1)

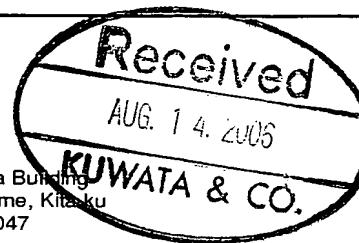
From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

KUWATA, Mitsuo
Kuwata & Co.
6th Floor, Minato Umeda Building
3-17, Nishitemma 6-chome, Kita-ku
Osaka-shi, Osaka 5300047
JAPON



Date of mailing (day/month/year)
03 August 2006 (03.08.2006)

Applicant's or agent's file reference
FP-04028PC

IMPORTANT NOTIFICATION

International application No.
PCT/JP2004/016656

International filing date (day/month/year)
10 November 2004 (10.11.2004)

Applicant

DAICEL CHEMICAL INDUSTRIES, LTD. et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Masashi Honda

Facsimile No. +41 22 338 82 70

Facsimile No. +41 22 338 82 70

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference FP-04028PC	FOR FURTHER ACTION		See item 4 below
International application No. PCT/JP2004/016656	International filing date (<i>day/month/year</i>) 10 November 2004 (10.11.2004)	Priority date (<i>day/month/year</i>) 28 November 2003 (28.11.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant DAICEL CHEMICAL INDUSTRIES, LTD.			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

	Date of issuance of this report 24 July 2006 (24.07.2006)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08@wipo.int

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION
PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:		Date of mailing (day/month/year)	
Applicant's or agent's file reference FP-04028PC		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/JP2004/016656	International filing date (day/month/year) 10.11.2004	Priority date (day/month/year) 28.11.2003	
International Patent Classification (IPC) or both national classification and IPC			
Applicant DAICEL CHEMICAL INDUSTRIES, LTD.			

<p>1. This opinion contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application <p>2. FURTHER ACTION</p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p>

Name and mailing address of the ISA/JP	Authorized officer
Facsimile No.	Telephone No.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2004/016656

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No. PCT/JP2004/016656

Box No. V Reasoned statement under Rule 43bis. I(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																									
<p>1. Statement</p> <table> <tr> <td align="center">Novelty (N)</td> <td align="center">Claims</td> <td>1 6 - 1 8</td> <td align="center">YES</td> </tr> <tr> <td></td> <td align="center">Claims</td> <td>1 - 1 5</td> <td align="center">NO</td> </tr> <tr> <td align="center">Inventive step (IS)</td> <td align="center">Claims</td> <td>1 6 - 1 8</td> <td align="center">YES</td> </tr> <tr> <td></td> <td align="center">Claims</td> <td>1 - 1 5</td> <td align="center">NO</td> </tr> <tr> <td align="center">Industrial applicability (IA)</td> <td align="center">Claims</td> <td>1 - 1 8</td> <td align="center">YES</td> </tr> <tr> <td></td> <td align="center">Claims</td> <td></td> <td align="center">NO</td> </tr> </table>		Novelty (N)	Claims	1 6 - 1 8	YES		Claims	1 - 1 5	NO	Inventive step (IS)	Claims	1 6 - 1 8	YES		Claims	1 - 1 5	NO	Industrial applicability (IA)	Claims	1 - 1 8	YES		Claims		NO
Novelty (N)	Claims	1 6 - 1 8	YES																						
	Claims	1 - 1 5	NO																						
Inventive step (IS)	Claims	1 6 - 1 8	YES																						
	Claims	1 - 1 5	NO																						
Industrial applicability (IA)	Claims	1 - 1 8	YES																						
	Claims		NO																						
<p>2. Citations and explanations:</p> <p>Document 1: WO 2001/042367 A1 (JAPAN MIN ECONOMY TRADE & IND), 14 June 2001, claims; page 6, lines 7 to 21; page 12, lines 12 to 26; examples & EP 1247840 A1</p> <p>Document 2: JP 9-48876 A (Mitsubishi Chemical Corp.), 18 February 1997, claims; paragraphs 0016 to 0024; examples (Family: none)</p> <p>The inventions of claims 1 to 15 are described in both document 1 (claims; page 6, lines 7 to 21; page 12, lines 12 to 26; examples) cited in the ISR and document 2 (claims; paragraphs 0016 to 0024; examples) cited in the ISR; therefore, they do not appear to possess novelty or involve an inventive step.</p> <p>The inventions of claims 16 to 18 are neither described in any of the documents cited in the ISR nor are they obvious to a person skilled in the art.</p>																									